

**Cheltenham Borough Council**  
**Cabinet – 12 March 2013**  
**Licensed Vehicle Testing Stations**

<b>Accountable member</b>	<b>ClIr Peter Jeffries – Cabinet Member for Housing and Safety</b>
<b>Accountable officer</b>	<b>Grahame Lewis – Executive Director</b>
<b>Ward(s) affected</b>	<b>All</b>
<b>Key Decision</b>	<b>No</b>
<b>Executive summary</b>	<p>On 17<sup>th</sup> of October 2011 the Licensing Committee approved the establishment of a working group to investigate the Council's current arrangements for testing licensed vehicles.</p> <p>The working group recognise a need for a fallback option should the Council's approved testing station become unable to test vehicles.</p> <p>Officers have noted the working group recommendations and following discussions with Ubico are satisfied that in practice the working group recommendation has already been implemented.</p>
<b>Recommendations</b>	<p><b>Cabinet is recommended to;</b></p> <ol style="list-style-type: none"> <li><b>1. Note the contents of this report, and</b></li> <li><b>2. Resolve that the working group recommendation at paragraph 1.3 has been implemented and that no further action is required.</b></li> </ol>

<b>Financial implications</b>	<p>There are no financial implications arising from this report.</p> <p>Sarah Didcote</p> <p><b>Contact officer: 01242 26 4125, sarah.didcote@cheltenham.gov.uk</b></p>
<b>Legal implications</b>	<p>The Council can make the grant of a vehicle licence subject to conditions that it deems reasonable and necessary to promote objectives such as standards of vehicle fitness. Such conditions can include a requirement that a vehicle be tested at an approved testing station. There is however no statutory definition or limitation on what can amount to a testing station and therefore any restriction on the number of approved testing stations could be subject to a challenge. There is a right of appeal against the imposition of a condition on vehicle licence. If there is only one approved testing station there is a risk that the condition could be challenged if the circumstances meant that it was difficult for vehicle owners to comply with the condition.</p> <p><b>Contact officer: 01684 272693, sarah.farooqi@tewkesbury.gov.uk, 01242</b></p>

<b>HR implications (including learning and organisational development)</b>	<p>There are no direct HR implications in this report.</p> <p>Donna Sheffield</p> <p><b>Contact officer: 01242 77 4972, <a href="mailto:donna.sheffield@cheltenham.gov.uk">donna.sheffield@cheltenham.gov.uk</a>, 01242</b></p>
<b>Key risks</b>	<b>As identified in Appendix 1</b>
<b>Corporate and community plan Implications</b>	<p>Carbon emissions are reduced and Cheltenham is able to adapt to the impacts of climate change</p> <p>Communities feel safe and are safe</p>

## **1. Background**

- 1.1 On 17<sup>th</sup> of October 2011 the Licensing Committee approved the establishment of a working group to investigate the Council's current arrangements for testing licensed vehicles.
- 1.2 The working group met on two occasions, 14th of November 2011 and 14th of December 2011. It concluded that there were no significant issue with the Council's current testing arrangements and as a consequence concluded it was not necessary to seek additional testing stations.
- 1.3 The working group did however recognise a need for a fallback option should the Council's approved testing station become unable to test vehicles and recommended that arrangements be put in place to ensure the Council has a fallback option.
- 1.4 Officers have noted the working group recommendations and following discussions with Ubico are satisfied that in practice the working group recommendation has already been implemented.

## **2. Need for review**

- 2.1 The need for a review of this Council's current arrangements for testing licensed vehicles was driven by a number of factors;
  - 2.1.1 Cheltenham Borough Council is the only Gloucestershire Local Authority to only have one approved testing station,
  - 2.1.2 The Council's approach has not been reviewed for a number of years and it was necessary to establish if the current approach continued to be viable for both the Council and the licensed trade,
  - 2.1.3 Guidance from the Department for Transport stated that "There is sometimes criticism that local authorities provide only one testing centre for their area (which may be geographically extensive). *So it is good practice for local authorities to consider having more than one testing station. There could be an advantage in contracting out the testing work, and to different garages.*" [Italics Added]
  - 2.1.4 A number of complaints from the licensed trade relating to the Council's approach. Complaints largely related to inconsistencies relating to testing and acceptable timescales for booking tests and retests.

## **3. Working Group Recommendations**

- 3.1** The working group consisted of Elected Members, officers and representatives from the licensed trade.
- 3.2** The working group, whilst recognising there were no substantial service and capacity issues, nonetheless recommended the adoption of an alternative testing station to be utilised should Ubico become unable to undertake testing on behalf of the Council.
- 3.3** As previously stated, in light of the working group recommendation officers had discussions with Ubico to establish what arrangements are currently in place to deal with situations where Ubico become unable to fulfil its duties.
- 3.4** The Council has a long standing arrangement with a number of other testing stations to undertake testing should Ubico become unable to fulfil its duties. For example, larger vehicles that Ubico cannot accommodate have in the past been tested by the Swanbrook Depot. Similarly Ubico has in the past used Rees MOT Testing Stations as a fallback testing station although there has rarely been a need for this.
- 3.5** In light of this, officers are satisfied that in practice the working group recommendations are already implemented.
- 3.6** The Council is able to continue to undertake testing in accordance with its current arrangements. The DfT guidance suggests that councils at the very least should "...consider having more than one testing station." Although the guidance is non-statutory, the Council should nonetheless have some regard to it. The working group has given consideration to the need for additional testing stations but considered it unnecessary at this stage.

#### **4. Risk**

- 4.1** As mentioned in this report, the working group recognised a risk to the Council should Ubico become unable to test licensed vehicles.
- 4.2** However, following discussions with Ubico's Fleet Services Manager, officers are satisfied that contingency plans are in place in the event where Ubico becomes unable to undertake testing.
- 4.3** The Council tests to the Public Transport Network's National Inspection Standards which, as a basic inspection standard, embrace the safety aspects of vehicle inspections laid down in the MOT Inspection Manual for Car & Light Commercial Vehicle Testing issued by VOSA. In addition to the aforementioned basic standards the adopted inspection standards provides additional

testing requirements to those in the MOT Inspection Manual to be used in conjunction with the VOSA manual.

- 4.4** For the reasons above, a vehicle test undertaken by the testing station is in itself not an MOT test therefore it is not strictly speaking a requirement to issue a MOT certificate. However, it does so as a matter of courtesy because the test incorporates the basic requirements of an MOT test and the testing centre is VOSA registered.
- 4.5** In light of the above, it is not necessary for the testing station to have VOSA registration to undertake testing to the adopted standards. If it becomes unable to issue VOSA certificates, vehicles will be able to obtain a basic MOT elsewhere and present the vehicle for testing to the national standards at the testing station but in this case the testing station will not issue a MOT certificate as a courtesy. Due to the fact that the enhanced check will still be undertaken there will be no adverse effect on public safety.
- 4.6** It is not anticipated that mechanical failure would affect the service level agreement between the testing station and licence holders. Historically, work associated with servicing and mechanical failures have been completed within the number of days set out in the service level agreement. In the event where mechanical failure will render licence holders unable to test their vehicles within a reasonable amount of time, the fall-back option agreement outlined in this report can be utilised.
- 4.7** All in all officers are satisfied that the contingency plans put in place are sufficient to mitigate risk to the Council and public safety.

## **5. Consultation and feedback**

- 5.1** On Friday the 1<sup>st</sup> of February 2013, the Licensing Committee considered a report and passed a resolution that the working group recommendations had been implemented and endorsed that resolution to Cabinet.

<b>Report author</b>	<b>Contact officer: Louis Krog, louis.krog@cheltenham.gov.uk, 01242 775004</b>
<b>Appendices</b>	1. Risk Assessment
<b>Background information</b>	1. Officer report and Licensing Committee minutes - Friday, 1st February. 2. DfT Taxi and private hire vehicle licensing: best practice guidance (March 2010).



The risk				Original risk score (impact x likelihood)			Managing risk				
Risk ref.	Risk description	Risk Owner	Date raised	Impact 1-5	Likelihood 1-6	Score	Control	Action	Deadline	Responsible officer	Transferred to risk register
	If the Council does not undertake this review it may not be able to adequately justify its decision to only have one approved testing station if challenged.	Licensing & Business Support Team Leader	Dec '11	2	3	6	Accept			Licensing & Business Support Team Leader	
	There are circumstances where Ubico could become unable to undertake testing on behalf of the Council.	Licensing & Business Support Team Leader	Dec '11	3	2	6	Accept			Licensing & Business Support Team Leader	
<p><b>Explanatory notes</b></p> <p><b>Impact</b> – an assessment of the impact if the risk occurs on a scale of 1-5 (1 being least impact and 5 being major or critical)</p> <p><b>Likelihood</b> – how likely is it that the risk will occur on a scale of 1-6 (1 being almost impossible, 2 is very low, 3 is low, 4 significant, 5 high and 6 a very high probability)</p> <p><b>Control</b> - Either: Reduce / Accept / Transfer to 3rd party / Close</p>											